

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Departmental Proceedings against Sri B. Subba Rao, Inspector of Police, formerly Pamarru Cirlce and now under orders of dismissal (deemed to be retired) - Initiation of Departmental action under the provisions of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 on the allegation of corruption- Articles of Charges – Issued.

HOME (SER.I) DEPARTMENT

G.O.RT.No. 212

Dated.21.02.2015.

Read:-

G.O.Rt.No.202, Home (Ser.I) Department, dated.20.02.2015.

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ORDER:-

In pursuance of the sanction accorded by Government under sub-rule (i) of Clause (b) of sub-rule (2) of Rule 9 of A.P. Revised Pension Rules, 1980, for initiating disciplinary proceedings against Sri B. Subba Rao, Inspector of Police, formerly Pamarru Cirlce and now under orders of dismissal (deemed to be retired), vide reference read above, it is proposed to hold an enquiry against the said Sri B. Subba Rao, Inspector of Police, formerly Pamarru Cirlce and now under orders of dismissal (deemed to be retired), in accordance with the procedure laid down in Rule 20 of APCS (CC&A) Rules, 1991.

2. The Substance of the imputations of misconduct in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure II and III).

3. Sri B. Subba Rao, Inspector of Police, formerly Pamarru Cirlce and now under orders of dismissal (deemed to be retired), is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Sri B. Subba Rao, Inspector of Police, formerly Pamarru Cirlce and now under orders of dismissal (deemed to be retired), is directed to appear before the disciplinary authority, and submit his written statement of defence within 15 days from the date of receipt of this order and also to state whether he desires to be heard in person.

5. Sri B. Subba Rao, Inspector of Police, formerly Pamarru Cirlce and now under orders of dismissal (deemed to be retired), is further informed that if he does not submit the written statement of defence on or before the period specified in para-4 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991, or the orders/ directions issued in pursuance of the said rules, the inquiring authority may hold the exparte inquiry against him.

6. Attention of Sri B. Subba Rao, Inspector of Police, formerly Pamarru Cirlce and now under orders of dismissal (deemed to be retired), is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring, or attempt to bring, any extraneous influence to bear upon any authority, for the furtherance of his interests in respect of matters pertaining to the case. If any representations is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance, and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR. B. PRASADA RAO
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri B. Subba Rao, Inspector of Police, formerly Pamarru Cirlce and now under orders of dismissal (deemed to be retired) through Director General of Police, Andhra Pradesh, Hyderabad.

The Director General of Police, Andhra Pradesh, Hyderabad.

Copy to:
S.F./S.C.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGE IN RESPECT OF SRI B.SUBBA RAO, INSPECTOR OF POLICE, FORMERLY PAMARRU PS OF KRISHNA DISTRICT AND NOW UNDER ORDERS OF DISMISSAL FROM SERVICE DEEMED TO BE RETIRED FROM SERVICE)

Statement of Articles of Charge framed against Sri B.Subba Rao, Inspector of Police, formerly Pamarru PS of Krishna District and now under orders of dismissal from service "for exhibiting gross misconduct in indulging in corrupt practices and somehow managing the I.O., Sri Y.R.Gopala Rao, ASI.1052 of Gudlavalleru PS to register the FIR in Cr.No.67/2011 U/s 341, 447, 307 r/w 34 IPC of Gudlavalleru PS on 18.08.2011 at 6.00PM by adding grave Section 307 IPC against the 9-accused persons including the petitioner Y.Sita Rama Swamy of Chennuru(v) of Pedana(M), Krishna District intentionally to extract money as illegal gratification from the petitioner, demanding an amount of Rs.1,50,000/- to do official favour to delete the names of 6-accused persons and Sec.307 IPC from the above case and after accepting Rs.50,000/- from the petitioner through mediator Rakkisa Kameswara Rao and Rajulapati Krishna as illegal gratification has got deleted the names of 6-accused persons and also Sec.307 IPC from the above case without following due procedure and without obtaining the orders from the superior officers and thereby failed to maintain absolute integrity in discharging his legitimate duties and created bad reputation among the public."

ARTICLE – I

That, Sri B.Subba Rao, Inspector of Police, now under orders of dismissal had previously worked at Pamarru Circle of Krishna District from 12.04.2010 to 03.02.2012.

On 17.08.2011 at 23.30 hrs, one Adapala Veera Venkatarao s/o Suryanarayana, aged about 80 years, Kapu by caste, Kedareshwarapeta, Vijayawada lodged a complaint against 1)Sri Yarramsetti Sita Ramaswamy(the petitioner); 2)Yarramsetti Karuna Babu (son of the petitioner); 3)Yarramsetti Srinivasa Rao (younger brother of the petitioner and 4)Yarramsetti Raghava (other younger brother of the petitioner) reporting that the above 4-persons criminally trespassed into their field and tried to plant paddy seedlings. When objected to, they threatened their fields' care-taker with dire consequences and requested to take action against the above 4-persons. Being the SHO, Sri Y.R.Gopala Rao, ASI.1052, Gudlavalleru PS of Krishna District has registered the same as a case in Cr.No.66/2011 U/s 447, 506 r/w 34 IPC of Gudlavalleru PS and investigated into. During the course of investigation, Sri Y.R.Gopala Rao, ASI of Police.1052, Gudlavalleru PS of Krishna District inspected the scene, examined the complainant Adapala Veera Venkatarao, Kotaprolu Srinivasa Rao of Chinagonnuru(v), who is the caretaker of the Venkatarao's fields, Gajula Naga Malleswara Rao, neighbouring ryth and the son of the complainant Adapala Bhavani Prasad and recorded their statements. On 18.08.2011 at 20.00 hrs., Sri Y.R.Gopala Rao, ASI of Police.1052, S.H.O., Gudlavalleru PS had arrested the above 4-accused at the house of Yarramsetti Seetha Ramaswamy and sent them for remand. After due verification, Sri S.Rama Krishna, who assumed the charge as SI of Police, Gudlavalleru PS filed charge sheet on 30.12.2011 and the case is P.T. vide C.C.No.36/2012 on the file of Hon'ble AJFCM Court, Gudiwada.

While so, on 18.08.2011 at about 18.00 hrs., the above complainant, Adapala Veera Venkatarao lodged another complaint against 1)Sri Yarramsetti Sita Ramaswamy (the petitioner); 2)Yarramsetti Karuna Babu (son of the petitioner); 3)Yarramsetti Srinivasa Rao (younger brother of the petitioner; 4)Yarramsetti Raghava (other younger brother of the petitioner); 5)Yarramsetti Ranganayakamma w/o Srinivasa Rao(sister-in-law of the petitioner) and relatives of the petitioner viz., 6)Yarramsetti Lakshmi Narayana Rao; 7)Rakkisa Kameswara Rao; 8)Yarramsetti Krishna and 9) Rakkisa Rangaiah and alleging that the above 9-accused persons criminally trespassed into their fields, wrongfully restrained him and threatened with dire consequences due to the prevailing disputes existing between them with regard to the lease of his field given to Yarramsetti Srinivasa Rao (younger brother of the petitioner). Being the SHO, Sri Y.R.Gopala Rao, ASI.1052, Gudlavalleru PS of Krishna District has registered the same as a case in Cr.No.67/2011 U/s 447, 307 r/w 34 IPC of Gudlavalleru PS and investigated into. During the course of investigation Sri Y.R.Gopala Rao, ASI.1052 has examined the complainant Adapala Veera Venkata Rao, his son Adapala Bhavani Prasad, Tractor Driver Movva Raju, Complainant's field caretaker Kotaprolu Srinivasa Rao, neighbouring ryths Kotaprolu Hari Babu and Kotaprolu Prabhakara Rao. Basing on the strength of the statements of the above witnesses, the ASI.1052 altered the section of law to 341, 447, 506 r/w 34 IPC and deleted the Sec.307 IPC and also deleted the names of A-1, A5 to A9 without obtaining the orders of the higher-ups. On 18.08.2011 at 20.00 hrs, the SHO Sri Y.R.Gopala Rao, ASI.1052, Gudlavalleru PS arrested A-2 to A-4 and sent them for remand. The case was charged on 30.08.2011 and it is PT vide CC.No.643/2011 on the file of Hon'ble AJFCM Court, Gudiwada.

Aggrieved with the above action of the Gudlavalleru Police, the petitioner-Yarramsetti Sitha Ramaswamy and his sister-in-law, Yarramsetti Ranganayakamma have filed a Writ Petition No.28014/2011 before the Hon'ble High Court, Hyderabad restraining the interference of Police into their lawful possession besides mentioning the allegations against Sri B.Subba Rao, Inspector of Police and Sri Y.R.Gopala Rao, ASI.1052 for demanding an amount of Rs.1,50,000/- and accepted Rs.50,000/- through Rakkisa Kameswara Rao.

Accordingly, the Hon'ble High Court has directed the petitioners to file complaint before the concerned Magistrate. Thus, they filed a petition before the Hon'ble AJFCM Court, Gudiwada requesting to direct the SHO, Gudlavalleru PS for registering a case against the respondents' viz., R-1 (Adapala Veera Venkata Rao); R-2(Adapala Bhavani Prasad, son of R-1); R-3 (Allu Durga Rao, Tractor driver of R-1); R-4(B.Subba Rao, Inspector of Police) and R-5(Y.R.Gopala Rao, ASI.1052) and to investigate the case. Later, the Hon'ble Court endorsed the same to the SHO, Gudlavalleru PS vide Memo Dt.10.11.2011 with instruction to register FIR and investigate the matter and file final report. On receipt of the above Memo, Sri S.Ramakrishna, SI of Police, Gudlavalleru PS has registered the same as FIR in Cr.No.109/2011 U/s 143, 342, 347, 388, 427 and 447 r/w 149 IPC and Sec.156(3) Cr.P.C. of Gudlavalleru PS and the case is being investigated by the Sub-Divisional Police Officer, Machilipatnam.

During course of the enquiry, it is revealed that on 18.08.2011 at about 10.30 hrs., Sri B.Subba Rao, Inspector of Police, Pamarru Circle along with 50 other Police personnel went to the lease fields of Yarramsetti Srinivasa Rao, who is the younger brother of the petitioner and taken the petitioner along with 8 others into custody, shifted them to Gudlavalleru PS and from there to Gudiwada Taluk PS and then proceeded to Pedaparupudi PS, detained them illegally in the PS, demanded an amount of Rs.1,50,000/- from the petitioner Yarramsetti Sitha Ramaswamy to delete his name and also his 5-relatives from the array of accused and also to delete the Sec.307 IPC from the case. Finally, Sri B.Subba Rao, Inspector of Police, Pamarru Circle accepted Rs.50,000/- from the petitioner through his relative Rakkisa Kameswara Rao and friend Rajulapati Krishna.

On going through the record of the investigation in Cr.No.67/2011 U/s 341, 447, 506 r/w 34 IPC of Gudlavalleru PS, it was proved that the investigation has not been done on proper lines. Though, the names of the petitioner Yarramsetti Sitha Ramaswamy and his relatives Yarramsetti Ranganayakamma, Yarramsetti Lakshminarayana Rao, Rakkisa Kameswara Rao, Yarramsetti Krishna and Rakkisa Rangaiah were cited in the FIR as accused, their names were deleted from the array of accused as there is no sufficient evidence elicited against them in the investigation without proper approval of higher-ups and procedure. Further, on verifying the contents of the FIR in Cr.No.67/2011 U/s 341, 447, 307 r/w 34 IPC of Gudlavalleru PS, it is adduced that the complainant (land owner) himself admitted that all the accused attacked on him with knives and sticks and Yarramsetti Sitha Ramaswamy tried to hack him with knife to kill and threatened with dire consequences and he had not sustained any injury. But, on the report of the complainant, the case was registered U/s 341, 447, 307 r/w 34 IPC by the SHO, Sri Y.R.Gopala Rao, ASI.1052. It discloses that the CI, Sri B.Subba Rao with an intention to get some self gratification, got registered the case with Sec.307 IPC and after accepting illegal gratification of Rs.50,000/- from the petitioner, he got deleted Sec.307 IPC by the ASI.1052 from the offence and Yarramsetti Sitha Ramaswamy and 5 others from the array of accused. But, the I.O., Sri Y.R.Gopala Rao, ASI.1052 failed to obtain necessary orders from the Sub-Divisional Police Officer, Gudiwada on the instigation of Sri B.Subba Rao, Inspector of Police, Pamarru Circle and the SHO intentionally added the Sec.307 IPC and after investigation, he deleted Sec.307 IPC and names of 6-accused from the offence to facilitate the CI to obtain illegal gratification. Thus, Sri B.Subba Rao, Inspector of Police, formerly Pamarru PS of Krishna District and now under orders of dismissal from service has exhibited gross misconduct in indulging in corrupt practices and somehow managing the I.O., Sri Y.R.Gopala Rao, ASI.1052 of Gudlavalleru PS to register the FIR in Cr.No.67/2011 U/s 341, 447, 307 r/w 34 IPC of Gudlavalleru PS on 18.08.2011 at 6.00PM by adding grave Section 307 IPC against the 9-accused persons including the petitioner Y.Sita Rama Swamy of Chennuru(v) of Pedana(M), Krishna District intentionally to extract money as illegal gratification from the petitioner, demanding an amount of Rs.1,50,000/- to do official favour to delete the names of 6-accused persons and Sec.307 IPC from the above case and after accepting Rs.50,000/- from the petitioner through mediator Rakkisa Kameswara Rao and Rajulapati Krishna as illegal gratification has got deleted the names of 6-accused persons and also Sec.307 IPC from the above case without following due procedure and without obtaining the orders from the superior officers and thereby failed to maintain absolute integrity in discharging his legitimate duties and created bad reputation among the public."

Thus, Sri B.Subba Rao, Inspector of Police, formerly Pamarru PS of Krishna District and now under orders of dismissal from service by his above acts has exhibited lack of integrity and devotion to duty and thereby violated Rule-3 of A.P.C.S. Conduct Rules, 1964.

DR. B. PRASADA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE – II

STATEMENT SHOWING LIST OF DOCUMENTS IN RESPECT OF CHARGES FRAMED AGAINST SRI B.SUBBA RAO, INSPECTOR OF POLICE, FORMERLY PAMARRU PS OF KRISHNA DISTRICT AND NOW UNDER ORDERS OF DISMISSAL FROM SERVICE DEEMED TO BE RETIRED FROM SERVICE)

List of documents by which the articles of charge framed against Sri B.Subba Rao, Inspector of Police, formerly Pamarru PS of Krishna District and now under orders of dismissal from service are proposed to be sustained.

ARTICLE-I

- 1) Letter C.No.04/A5/2013, dt.17.07.2013 of the Superintendent of Police, Krishna District, Machilipatnam.
- 2) Preliminary Enquiry report dt.02.05.2013 of Sub-Divisional Police Officer, Gudiwada Sub-Division of Krishna District.
- 3) Statement of Sri Yarramsetti Sita Ramaswamy s/o Nageswara Rao, aged about 58 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 4) Statement of Sri Rakkisa Kameswara Rao s/o Narasimha Rao, aged about 47 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 5) Statement of Sri Rajulapati Krishna s/o Devachandra Rao, aged about 42 years, Gowda by caste, Uppalakalavagunta(v) Hamlet of Kalamapuram(v) of Pedana(M), Krishna District.
- 6) Copy of FIR dt.17.08.2011 in Cr.No.66/2011 U/s 447, 506 r/w 34 IPC of Gudlavalleru PS.
- 7) Copy of Case Diary Part-I dt.17.08.2011 in Cr.No.66/2011 U/s 447, 506 r/w 34 IPC of Gudlavalleru PS.
- 8) Copy of Case Diary Part.II(LWs.1 to 4), dt.17.08.2011 in Cr.No.66/2011 U/s 447, 506 r/w 34 IPC of Gudlavalleru PS.
- 9) Copy of Case Diary Part-I dt.18.08.2011 in Cr.No.66/2011 U/s 447, 506 r/w 34 IPC of Gudlavalleru PS.
- 10) Copy of FIR dt.18.08.2011 in Cr.No.67/2011 U/s 341, 447, 307 IPC r/w 34 IPC of Gudlavalleru PS.
- 11) Copy of Case Diary Part-I dt.18.08.2011 in Cr.No.67/2011 U/s 341, 447, 307 r/w 34 IPC altered to U/s 341, 447, 506 r/w 34 IPC of Gudlavalleru PS.
- 12) Copy of Case Diary Part.II (LWs.1 to 6) dt.18.08.2011 in Cr.No.67/2011 U/s 341, 447, 307 IPC r/w 34 IPC of Gudlavalleru PS.
- 13) Any other document that is required during the course of Oral Enquiry.

DR. B. PRASADA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE – III

STATEMENT SHOWING LIST OF WITNESSES IN RESPECT OF CHARGES FRAMED AGAINST SRI B.SUBBA RAO, INSPECTOR OF POLICE, FORMERLY PAMARRU PS OF KRISHNA DISTRICT AND NOW UNDER ORDERS OF DISMISSAL FROM SERVICE DEEMED TO BE RETIRED FROM SERVICE)

List of witnesses by whom the articles of charge framed against Sri B.Subba Rao, Inspector of Police, formerly Pamarru PS of Krishna District and now under orders of dismissal from service are proposed to be sustained.

ARTICLE-I

- 1) Sri J.Prabhakara Rao, I.P.S., Superintendent of Police, Krishna District, Machilipatnam.
- 2) Sri P.Parameswara Reddy, Sub-Divisional Police Officer, Gudiwada Sub-Division of Krishna District.
- 3) Sri Yarramsetti Sita Ramaswamy s/o Nageswara Rao, aged about 58 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 4) Sri Rakkisa Kameswara Rao s/o Narasimha Rao, aged about 47 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 5) Sri Rajulapati Krishna s/o Devachandra Rao, aged about 42 years, Gowda by caste, Uppalalakavagunta(v) Hamlet of Kalamapuram(v) of Pedana(M), Krishna District.
- 6) Smt.Yarramsetti Ranganayakamma w/o Srinivasa Rao, aged about 40 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 7) Sri Yarramsetti Lakshminarayana s/o Seetaiah, aged about 60 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 8) Sri Yarramsetti Krishna s/o Adi Sessaiah, aged about 48 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 9) Sri Rakkisa Rangaiah s/o Rangaiah, aged about 60 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 10) Sri Yarramsetti Karuna Babu s/o Sitha Ramaswamy, aged about 26 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 11) Sri Yarramsetti Srinivasa Rao s/o Nageswara Rao, aged about 42 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 12) Sri Yarramsetti Raghavaiah s/o Nageswara Rao, aged about 48 years, Kapu by caste, Chennur(v) of Pedana(M), Krishna District.
- 13) Any other witnesses, whose evidence is required during the course of Oral Enquiry.

DR. B. PRASADA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER